IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 33001 of 2006(D)
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OS.687/1993 of SUB COURT,KATTAPPANA
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PETITIONER:
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NALLA THAMPI, S/O.RAMARAJ,
DOOR NO.14, RAJAJEE STREET, KOMBAI VILLAGE,
UTHMAPALAYAM TALUK, TAMIL NADU.

BY ADV. SRI.C.K.VIDYASAGAR
SRI.T.I.ABDUL SALAM

RESPONDENTS:
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1. K.KARUPPAYYA, S/O.KAMARAJ MANIYAR,
MANATHODU, CHATHURANGAPPARA VILLAGE.

2. SENTHIL KUMAR, S/O.KARUPPAYYA,
MANATHODU, CHATHURANGAPPARA VILLAGE.

3. LAKSHMI, MATHEW-IN-LAW OF KARUPPAYYA,
MANATHODU, CHATHURANGAPPARA VILLAGE.

4. SARAVANAN, S/O.ANAKKUTTY AMBALOM,
RESIDING AT MANATHODU, CHATHURANGAPPARA VILLAGE.

5. R.GANESAN, S/O.RAMASWAMY,
AMPALOM, DOOR NO.96, MANATHODU,
UDUMBANCHOLA P.O.

6. RENGASWAMY, S/O.RAMASWAMY NAIKER,
DOOR NO.9, MANATHODU, UDUMBANCHOLA P.O.,
SAWNDARARAJ HUSBAND OF PAPPU AMMAL,
MANATHODU, UDUMBANCHOLA P.O.

7. L.AYYAPPAN, S/O.LAKSHMANAN,
THALAYANKAVU, CHATHURANGAPPARA VILLAGE,
UDUMBANCHOLA TALUK.

8. SOUNDERARAJ, AMBALAM, RESIDING AT
MANATHODU, CHATHURANGAPPARA VILLAGE.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.SASIDHARAN NAMBIAR,J.**

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W.P.(C) .NO.33001 OF 2006

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Dated 12th December 2006

**JUDGMENT**

This petition is filed under Article 227 of Constitution of India by second defendant in O.S.687/93 on the file of Sub court, Kattappana contending that property was in the possession of receiver appointed by the court and there are encroachers in the property and they were once dispossessed and again they reduced the property into their illegal possession and even though police protection was sought, learned Sub Judge did not grant the same and therefore appropriate direction is to be granted to the Sub court.

2. On hearing learned counsel appearing for petitioner and going through Ext.P8 application and Ext.P9 order passed by the Sub court, I do not find any reason to interfere with Ext.P9 order. In Ext.P8 application petitioner sought a direction to the receiver to take legal action against encroachers to evict them from the property and direct Dy.S.P, Munnar to provide adequate police assistance. Under

Ext.P4 order learned Sub Judge directed the receiver to deliver possession of property to petitioner. Directions were also issued to address the Dy.S.P to provide assistance to the recover. In such circumstances no further interference is warranted. Petitioner is entitled to seek appropriate directions from the executing court it is found that Ext.P4 order was insufficient to take delivery.

Writ petition is dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.